

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN THE MATTER OF) CASE NO. 2:22-mj-630
THE EXTRADITION OF)
MICHAEL PHILIP ATKINS) MAGISTRATE JUDGE JOLSON
)
)

MOTION TO SEAL MEDICAL RECORDS EXHIBIT

Now comes Michael Atkins, through the undersigned counsel, and respectfully requests that the Court seal a forthcoming medical record exhibit detailing mammography and sonography findings relating to his wife's treatment.¹

"Every court has supervisory power over its own records and files." Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 598 (1978). Local Rule 5.2.1(a) allows provides that "parties may not file documents under seal without obtaining leave of Court upon motion and for good cause shown." Courts have discretion to seal court records but there is a "strong presumption in favor of openness." Shane Grp., In. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016) (quoting Brown & Williamson Tobacco Corp. v. F.T.C., 710 F.2d 1165, 1179 (6th Cir. 1983)) "The party seeking to seal court records carries the heavy burden of overcoming this presumption, and '[o]nly the most compelling reasons can justify non-disclosure of judicial records.'" *Brahmamdam v. TriHealth, Inc.*, No. 1:19-cv-152 SJD (S.D. Ohio Oct. 27, 2021) citing Shane Grp., 825 F.3d at 305 (quoting *In re Knoxville News-Sentinel Co., Inc.*, 723 F.2d 470, 476 (6th Cir. 1983))

This Court has recognized that sealing a non-party's medical information constitutes a compelling reason to justify non-disclosure in light HIPPA and Ohio Rev. Code § 2317.02(B).

¹ Counsel's understanding that any document filed under seal will be accessible by all case participants.

See, e.g., *Columbia Gas Transmission, LLC v. 171.54 Acres of Land*, No. 2:17-cv-70, 2021 WL 4260422, at *2 (S.D. Ohio Sept. 20, 2021) (sealing a non-party witness's private health and medical information); *Harrison v. Scott*, No. 2:18-cv-1023, 2021 WL 2438858, at *2 (S.D. Ohio June 15, 2021) (sealing plaintiff's medical records); *In re E.I. Du Pont de Nemours and Company C-8 Personal Injury Litig.*, Nos. 2:13-MD-2433, 2:18-cv-00136, 2019 WL 3208711 (S.D. Ohio July 16, 2019) (same).

WHEREFORE, Michael Atkins respectfully requests that the Court allow for the filing under seal of forthcoming medical record exhibits related to his wife's treatment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was electronically filed on this 19th day of October, 2022. Notice of this filing will be sent to Assistant United States of America Heather Hill by operation of the Court's CM/ECF system. Parties may access this filing through the Court's system.

/s/ Mark G. Kafantaris
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